

# DALE FARM HOUSING ASSOCIATION

secretary  
Grattan Puxon  
1 John Harper Street  
Colchester CO1 1RP  
[dale.farm@btinternet.com](mailto:dale.farm@btinternet.com)  
01206 523528

4-149

To:

Eric Pickles MP, Secretary of State for Communities  
and Tony Ball, leader of Basildon District Council

25 August 2010

Dear sirs,

We are under notice of eviction by Basildon District Council, which is employing the notorious Constant & Co bailiffs to bulldoze the properties we own and occupy at Hovefields Avenue, Wickford, and at Dale Farm, Oak, Lane Crays Hill, Essex.

1 The UN Commissioner for the Elimination of Racial Discrimination has urged Basildon Council to halt eviction operations until acceptable alternate locations can be offered where we can station our trailer caravans, mobile-homes and chalets in safety and with long-term security.

2 To assist this process, the Dale Farm Housing Association, with the support of the Gypsy Council, is submitting a planning application for approval by Basildon Council to develop a mobile-home park on land at Gardiners Lane South, owned by the Homes and Communities Agency, already zoned for residential use.

3 Some of us have not yet had any reply to our Homeless Applications. Surely this is unjust and unlawful as the Court of Appeal said that Basildon Council must meet its statutory duties under Part VII of the Housing Act 1996 to those whom it makes homeless or knows to be threatened with homelessness?

Will Basildon Council therefore withdraw all 28-day Notices to Hovefields at least until homeless applications have been processed, reviewed and appealed, where out of time if necessary? If not, Mr Ball, will you explain why not?

4 Mr Pickles, what is your response to the failure of Basildon Council to meet its statutory duties under Part VII of the Housing Act 1966?

5 Does the Basildon Council agree that even if some of us have not yet made a formal homeless application, they can do so now, just by them or their advisers informing the Council orally or in writing that

they wish to do so as in the Aweys case in the High Court in 2007 Collins J decided that "there is no requirement that an application be in writing." (*R (Aweys and Others) v Birmingham City Council [2007] EWHC 52 admin at para.8.*)

6 In fact at the start of paragraph 8 in Aweys Collins J says that *the threshold for the duty of Councils to act under s184 is a low one ... since it arises if they have reason to believe the applicant may be homeless or threatened with homelessness.*"

Do you, Mr Ball and Mr Pickles, agree that Basildon has a statutory duty to find *suitable* accommodation for all of those whom it wishes to remove from their plots?

7 Why Mr Ball is your council refusing, so far, to discuss meeting its homeless duties to those to be evicted from Hovefields, by finding us pitches instead of bricks and mortar, as unlike the situation in the *Codona* case, Basildon DC has had plenty of time to find alternative sites and has a statutory duty to do so by s225 to 226 of the Housing Act 2004, which obliges every council to find enough pitches for all the Travellers *residing in or resorting to its district.*

8 Will you Mr Ball, and you Mr Pickles, agree to halt all further evictions at Hovefields, and at Dale Farm, until the planning application submitted by the DFHA for development of an alternate site at Gardiners Lane has been duly processed, including any appeal that may be necessary to you Mr Pickles, as Secretary of State?

9 *In Clarke v Tunbridge Wells BC* in 2001, in the High Court, Burton J decided that if Travellers had a genuine *aversion to bricks and mortar it would be contrary to Articles 8 and 14 (of the Human Rights Act 1998) to expect such a person to accept conventional housing* and that it was like offering him *a rat infested barn*. This was upheld by the Court of Appeal. *EWCA Civ. 819 in paras 5 and 15*. Every public body is bound to observe the Articles of the Human Rights Act and the Race Relations Act 2000 so why is Basildon so blatantly refusing to do so in its homeless policy by refusing to find suitable accommodation for this ethnic minority who should also be protected by the Race Relations Act 2000?

Are you aware, Mr Pickles, as Minister for Communities and leading member of a Party and Government Coalition that has vowed to uphold and strengthen local communities, that Basildon Council despite its statutory duty to do so, and of a recent reminder of this duty from

the Commission for Equalities and Human Rights, has failed to produce an equality impact assessment report? Are you aware that such a report would be likely to draw attention to the negative impact on the Gypsy and Traveller ethnic communities in the district, and moreover the equally destructive impact on the Catholic Parish of Wickford, to whom most of us Travellers belong?

Mr Pickles, will you now insist that Basildon perform its duty? Should the impact assessment report reveal negative impacts that would flow from Basildon's eviction policy, condemned by many as a policy of ethnic-cleansing, will you take all appropriate steps to mitigate those those negative results, including using your powers to ensure that Basildon make provision for the re-location of our trailer caravans, mobile-homes and chalets to alternate sites?

10 Also will not evicting our families onto the roadside breach our Human Right to Education as when forced to live on the roadside we were often evicted daily or several times a week with no time to get our children into school? In 2007 the Circuit Judge H H Ann Campbell gave the family of Patrick Stokes leave to appeal to the Court of Appeal (not the High Court) that their eviction would breach their Human Right to Education, but they were flooded out of the site before they could lodge the Appeal.

11 In 2006 the government revised its *Homelessness Code of Guidance* to say in para 16.38 that *where Travellers have a cultural aversion to the prospect of bricks and mortar ... the authority should seek to provide an alternative solution*. So why will Basildon not do so?

12 In the Wealden Judgement in 1995, *8 Admin LR 529 JPL 65, Times LR Sept 22 1995* Sedley J said that all Local Authorities must show *common humanity* by not evicting Travellers with health problems and this was applied to enforcing breaches of planning regulation by the High Court in *R v Kerrier DC ex parte Uzell Blythe* in 1996.

Forcing around 100 families to leave their at Hovefields and Dale Farm land with nowhere else to go will be very inhumane to everyone but especially to the children, the frail elderly and the sick. I, Mary MacCarthy at Hovefields have a Doctor's letter saying my son needs stable home to recover from a terrible dog attack. Do you Tony Ball, as leader of Basildon Council, deny your moral and legal duty to show common humanity?

13 Is the Human Right not to be denied Education being breached by the lack of education for Traveller children forced to live by the roadside due to the lack of legal sites including those at Hovefields and Dale Farm, if Basildon Council still rejects every alternative site for us?

14 On page 8 of the Mail on Sunday on Aug 22, you Mr Pickles say that you want to give Travellers "better access to health and education.", But surely it is the shortage of legal sites which denies us education and equal health care?

15 Are not sections 225 and 226 of the Housing Act 2004 the only way of seeing that there are enough legal sites as they say that each Council must find enough pitches for all the Travellers who "reside in or resort to its district"? As this is the law what will you, Mr Pickles, do to enforce it and how will it ensure that we Travellers are not treated unjustly by extremist Councils like Basildon?

16 If the Government allow the police to seize and to sell caravans, where will our wives and children live? Will Councils have to pay a fortune in B&B for us? Also how will the men be able to work if vans are seized?

17 The Mail on Sunday on Aug 22 says that you, Mr Pickles are "alarmed that statistics show the life expectancy of traditional Gypsies is ten years below the UK average, while Traveller mothers are 20 times likelier to suffer the death of a child."

Surely the reason for these shocking statistics and the lack of access to health and education is clear. Is it not caused not only by the shortage of legal sites, but also the failure of Councils (and of the Police when using section 61 to evict Travellers) to keep to the case law for Councils and police and the police and government guidance that they MUST show "common humanity" by not evicting those with health problems?

18 As some Councils refuse to follow the case law or government guidance to delay evictions for health and also by the 2004 and 2006 Guidance for education, why will the government not improve the health and education of Travellers, as you, Mr Pickles, have promised to do, by issuing not guidance, which can be and is ignored, but statutory instruments which have to be obeyed, with a swift remedy against councils and police forces which disobey them?

19 Do not the following evictions show the urgent need for binding rules to protect the sick against inhumane evictions? Is this type of

conduct acceptable?

a) Very recently the police and Walsall Council several times evicted a small family on the roadside with a three year old boy John Martin suspected of possibly having meningitis. They would not even delay one of the evictions so he could complete one of his Hospital visits. He had a high temperature and a rash. During one of the evictions he was vomiting out of the window of his family's car. The Council said they would send a Health Visitor to look at him, and if it was meningitis he could stay one week, but not for any other illness. She said she needed a second opinion but they would not wait for that. Is it acceptable to evict any one with a high temperature whatever the cause?

Nearly forty years ago three children were burned to death in a trailer caravan which had been towed onto the road at Walsall, which was the subject of a protest march in the town by delegates of the 1st World Romani Congress, then taking place in London. Much to our anger and regret, nothing has changed.

b) Stevenage Council earlier this year constantly evicted another small family, including a blind woman with a tumour who had a bad headache (which was probably caused by stress) and put her health at risk. The Council Solicitor said he need not follow government guidance to delay the eviction of the sick, as it was only guidance and he even said he need not follow the 1995 Atkinson case in the High Court, that all councils MUST show common humanity to the sick. He said that it was only a High Court decision and only Court of Appeal decisions made binding precedents.

Mr Pickles, we ask you was that correct as surely every other lawyer in the country would challenge this as High Court decisions do make precedents?

c) The Guidance and the case law both say that women should not be evicted just before, or in the case of the guidance, also just after childbirth. Traveller Midwives say that at least the month before birth and six weeks or better three months after the birth should be free of evictions, longer for complications, However Sussex Police and later Basingstoke Council evicted a woman just before and just after a birth by Caesarian section despite a Midwife's note that she should not drive for six weeks after the birth.

d) A few years earlier the Sussex Police evicted a newborn premature

baby and a man with a heart condition.

e) In Yorkshire the police evicted a woman from an empty field while she was in Labour and she said they had done that before and that baby had been born as soon as she got through the door of the Hospital.

20 Mr Pickles, do not the above examples explain why "Traveller mothers are 20 times likelier to suffer the death of a child"? Why can't you prove that you want to improve Traveller Health and Education, by saying that evictions from unauthorised encampments ("the roadside") and even unauthorised developments like Hovefields and Dale Farm, if there are no alternative sites, MUST be delayed for health needs and school age children?

What else can be done? There are many serious health problems at Hovefields and Dale Farm including several cases of cancer, children with Special Needs and normal school children and frail elderly. None of our needs can be met on the roadside. Yet you, Mr Ball, have ignored ALL our needs and ALL suggestions of alternative sites. Surely in view of the inhumanity and hardship and failure to follow section 225 and 226 of the Housing Act 2004, you, Mr Pickles, should use your powers to intervene, as ethnic minorities need protection from what John Stuart Mill called the Tyranny of the Majority?

21 Why Mr Pickles not change the "guidance" that evictions should be delayed for health (and education) needs into rules which MUST be followed, that is into "statutory instruments"?

22 How you Mr Pickles intend to see that sections 225 to 226 are swiftly carried out so that every council, including Basildon, finds enough pitches for all the Travellers residing in or resorting to it area?

23 Meanwhile what will you Mr Pickles and the Coalition Government do urgently to help the roughly 25% of Travellers with no legal site forced to live on the roadside for lack of enough legal sites?

24 Is there not a need to educate the public to understand that it is the shortage of legal sites and the sheer misery of over frequent evictions on the roadside, which force us Travellers out of necessity to break planning rules so that our children can go to school and obtain equal health care? Would not any parent do the same? While we are waiting for a planning decision which we may win is it not better that children should be able to go to school rather than for them to be

evicted onto the roadside and traumatised by frequent and expensive evictions?

12 Mr Ball and Mr Pickles, is it ethical or Christian to constantly evict families from an ethnic minority for being homeless, when other homeless families are found housing by law and there is case law in the Court of Appeal in Clarke v Tunbridge Wells BC that Travellers who make Homeless Applications as at Hovefields and Dale Farm asking for alternate sites should be granted them. So why are you, Mr Ball, refusing to do this for anyone, even the elderly whom it wishes to separate from their carers?

Sincerely,

Gillian Puxon, 1 John Harper St., Wichester W11 1RP  
Gemma Sayers, 165 Burrell Rd, IP28 8AA.

~~and~~ Amanda Bullock 45j ATD Fourth World London

Phil J CHITM 7410 ROAD, NR5 8AR

Reel J WICKER & Associates, Cans, CB58 2U.

J. Wills 67 Kings College Cambridge, CB2 1ST

JOHN FLYNN

Dann Kenningham ATD Fourth World  
Kenninghamd@atd-uk.org

Patricia Bailey ATD Fourth World London

NORA SHERIDAN 0744 8486959

NORA BERRY

MARYANN MCCARTHY  
07961854023

N. O'BRIEN

JOX

KE ROONEY

# Basildon Council

BASILDON • BILLERICAY • WICKFORD

Grattan Puxon  
Secretary  
Dale Farm Housing Association  
1 John Harper Street  
Colchester  
Essex C01 1RP

Date 22 September 2010  
Department Leader of the Council  
Tel. No 01268 294222  
Our Ref: LB/CH/JS

Dear Mr Puxon

I refer to your letter dated 25 August 2010.

I take great exception to your suggestion that the Council's policies amount to ethnic cleansing or are extremist. A fundamental priority for this Council is the protection of the Green Belt and upholding the law in this regard. I do not intend dealing in detail with the legal issues you raise in your letter as these issues have already been dealt with in detail by the High Court and Court of Appeal. Furthermore, I am aware that there are a number of homelessness appeals pending in the County Court and take the view that such legal matters are best dealt with through the court processes in the usual way.

I would add however, that the Council has and will continue to comply with its homelessness and other legal duties as well as those matters referred to in the informal undertaking given to Mr Justice Collins. I am informed by the Council's Solicitor that a number of the contentions you make concerning the law are erroneous and misconceived. I am surprised by your suggestion that homelessness cases are not being dealt with appropriately and this is not my understanding of the true position. Any specific complaints should be raised through the Council's complaints procedure (full details are contained on the Council's website).

Planning applications will be dealt with in accordance with usual planning departmental procedures but the Council is not prepared to halt further site clearances pending the submission of the proposed planning application. .

The Council will also continue to work with other agencies such as the Equalities and Human Rights Commission and the Health and Safety Executive to ensure that all appropriate steps are taken concerning previous as well as further site clearances.

Yours sincerely



Councillor Tony Ball  
Leader of the Council



23 September 2010

Mr Grattan Puxon  
Dale Farm Housing Association  
1 John Harper Street  
Colchester  
C01 1RP

Our Ref: ER/52/024007/10  
Your Ref:

Dear Mr Puxon,

**RE: DALE FARM EVICTION BASILDON**

Thank you for your email of the 2 September to the Rt Hon Eric Pickles MP. It has been passed to me in the team responsible for this area of policy.

The courts have found that Basildon District Council is within its rights to evict travellers from unauthorised pitches at Dale Farm and the process of eviction is a matter for Basildon District Council. If Basildon Council proceeds with evictions from Dale Farm, we expect those carrying it out to do so responsibly, calmly and lawfully and for the Council to meet its responsibility to provide appropriate services for those who need them within its jurisdiction.

We understand that Basildon District Council has appointed a Liaison Officer with a dedicated phone number who coordinates the response to any queries concerning the Council's proposed action. We also understand that the individual needs of each family will be considered before any eviction and that the Council intends that each of the families on which an eviction notice is served, will be personally visited to ensure they are fully aware of what is being proposed.

In planning for the eviction, we understand that Basildon Council has been working closely with the police, emergency services, local education authority, health authorities, social services and the like to ensure that the likely impact of eviction on children, vulnerable adults, those with health conditions and other specific needs is taken into account, and that the eviction is carried out peaceably as possible.

Yours Sincerely,



Vicky Reville